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APPLICATION NO. 09507212	FILING DATE 12/18/00	FIRST NAMED INVENTOR YAMASHITA	ATTORNEY DOCKET NO. S P 00 572.006
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EXAMINER TRAN, T

ART UNIT 1741	PAPER NUMBER 5
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DATE MAILED: 04/09/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.

09/507,212

Applicant(s)

Yamashita, Selji

Examiner

Thao Tran

Group Art Unit

1741



☒ Responsive to communication(s) filed on Mar 28, 2001

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-13 is/are pending in the application

Of the above, claim(s) 1-9 is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 10-13 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Election/Restriction

1. Applicant's election with traverse of Group II, claims 10-13, in Paper No. 4 is acknowledged. The traversal is on the ground(s) that the inventions in Group I and Group II are not distinct from each other. This is not found persuasive because the apparatus as claimed can be used to practice another and materially different process, such as an apparatus comprising a container for storing lens wafers as can be seen in the reference enclosed herein.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 10 and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Nugent, Jr. et al. (US Pat. 5,573,819).

Nugent teaches an apparatus, comprising a container adapted for holding an article (packaging), the container includes a plastic material and further comprising a coating that includes titanium dioxide (see col. 1, ln. 23-32; col. 12, ln. 20-28; col. 13, ln. 12-26).

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In regards to claims 12-13, Nugent teaches the container including polypropylene and polycarbonate (see col. 12, ln. 20-30).

4. Claims 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsubayashi et al. (US Pat. 4,686,152).

In regards to claims 10 and 12-13, Matsubayashi teaches an apparatus, comprising a container that includes a plastic material, such as polypropylene and polycarbonate, the container being coated on selected portions a coating including titanium dioxide (see col. 1, ln. 12-30; col. 9, ln. 60 to col. 10, ln. 34; col. 11, ln. 54 to col. 12, ln. 68).

In regards to claim 11, Matsubayashi teaches the container including a closeable lid (see col. 1, ln. 10-30; col. 9, ln. 24-25).

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thao Tran whose telephone number is (703) 306-5698. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathryn Gorgos, can be reached on (703) 308-3328. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0661.

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T.T.

April 4, 2001


Kathryn Gorgos
Supervisory Patent Examiner
Technology Center 1700